THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 18877 OF 2005

Dated 5th September 2005

Between:

Y.Sheenaiah S/o.Y.Rajalingam,

Aged: 40 years, R/o.Thummala Penpahad,

S.Atmakur Mandal, Nalgonda District.

…Petitioner

And

The Secretary, Regional Transport Authority,

Nalgonda & another

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO. 18877 OF 2005

O R D E R:

The Tractor and Trailer of the petitioner, bearing Registration Nos.AP-16U-854 and AP-16U-860 respectively, was seized on 6.08.2005, on the ground that the petitioner failed to produce the necessary documents in relation to them. The petitioner challenges the seizure.

Heard Sri P.Venkata Rao, learned counsel for the petitioner, and learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 6.08.2005, issued by the second respondent, discloses that the petitioner failed to produce the proof of payment of tax. Certain other lapses were also pointed out. The liability of the petitioner, in the context of these observations, needs to be established in the proceedings to be initiated, under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected, by imposing necessary conditions, while permitting the petitioner to keep the custody of the vehicle. This order does not preclude the petitioner from clearing the tax dues and getting the offence compounded, in accordance with law.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the Tractor and Trailer, bearing Nos.AP-16U-854 and AP-16U-860, shall be released to the petitioner, on his depositing a sum of Rs.5,000/- (Rupees Five thousand only).

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle, till the proceedings in pursuance of the Check Report are finalized, and that he shall produce the vehicle as and when required.

5th September 2005

Note**:** Issue C.C. by tomorrow.

(B/o)

PAN